

Why We Will Fight #7

16 May 1998

By Mike Vanderboegh, 1ACR

Why We Will Fight, #7
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"The only weapon we have is our refusal."
-- Michael Collins, an Irishman of note.

From the Editor:

Gunowners here in Alabama defeated the NRA-backed state instant check proposal. National Instant Check looms in November. Efforts are underway to encourage the Governor and Attorney General to sue the feds over this unconstitutional rule on both Tenth and Second Amendment grounds. We shall see. I urge gunowners in other states to get their elected officials off the dime on this.

In the interim, GOA, JPFO and other uncompromising gun rights organizations are encouraging all gun owners to comment on the proposed regulations. JPFO's press release is attached below. All liberty-loving American's should act on it, and immediately express their opinions to the BATF, even though it is likely that the die is already cast. The record showing our side of the issue should be full and complete, if for posterity if nothing else-- Just to be able to say that we tried.

I have long loved and respected JPFO, and their uncompromising, history-based perspective. Aaron Zelman once told me that if every Jewish and anti-Nazi family in Germany had possessed a Mauser rifle and 20 rounds, the name of Hitler would be a footnote to the history of the Weimar Republic. I agreed with him then, I agree with him now. Firearms in the hands of the citizenry are the only sure means of resisting tyrants.

Now comes the NRA and the BATF with "Instant Check" (read "Instant Registration"). "Sign up today, we'll be by tomorrow, or maybe the next day." Well, like Michael Collins, I have my "refusal." I give the reader, and the BATF, some hints of my refusal in the letter below. It is one more reason Why We Will Fight to protect our right to arms.

-- Mike Vanderboegh, 1ACR
Editor, Why We Will Fight &
The John Doe Times

Chief, Regulations Division
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 50221
Washington, D.C. 20091

RE: Comment on Notice 857, proposed regulations to implement "Instant Check", the NRA's "brilliant idea" to "sunset" the Brady Act.

Gentlemen and gentle ladies,

Given the fact that, contrary to federal law (GCA 1968, McClure-Volkmer, etc.) the BATF has been compiling gun registration databases for years, and;

Given the fact that, in a series of spectacular abuses over the past decades, starting with the attempted murder of Kenyon Ballew, and running through the Waco and Ruby Ridge atrocities, up to the groundless assault on the A-Square Company, et al, the BATF has consistently shown itself to be a rogue agency, out of control or effective Congressional oversight, preying upon law-abiding citizens under the color of law, with occasionally deadly results, and;

Given the fact that, the BATF is infested with racists (the Good O'Boys Roundup), thieves (the BATF "Air Force" scandal), lackeys of organized crime (most of your Chicago office, including the man who would be your new director), perjurers (a variety of well-documented cases including Birmingham SAC "Waco Jim" Cavanaugh's lies to Congress about helicopter gunfire at Waco), sexual harassers and predators (cases too numerous to list here) and ersatz cowboy stormtroopers (see previous paragraph), may I ask one question?:

Why should law-abiding Americans trust a criminal bunch such as the BATF with the intrusive and, given your law-breaking past, potentially deadly information you require?

Isn't there a Fifth Amendment protection against self-incrimination? Does this extend to legal activities which may later be considered "crimes" in shifting political sands? You seek to compel us to put our names on a list of people who may be later made criminals by the Clinton regime. If the same politicians who gave us Brady continue down the gun confiscation path, your Enforcement Division thugs will be showing up at our doors, guided by the information Instant Check will give you.

I have a better idea, in fact I have several better ideas, which I will share with my friends, and as I have nothing to hide, will share with you now:

1. Under Instant Check, I will never buy another firearm from a gunstore again. I will not fill out one more piece of federal paperwork, 4473, Brady, Instant Check, anything. Furthermore, I will urge all my friends and acquaintances to do the same.

2. Under Instant Check, I will do everything in my power to subvert the intent, if not the letter, of this unconstitutional registration plan. When gun shows are held, we'll hold tailgate trades in the parking lot. We'll use every informational means to allow the non-databased trade in guns to law-abiding folks who do not wish to cooperate in their own loss of liberty.

3. I will urge my friends to get such new firearms as they require before this tyrannical plan goes into effect by making a run on the gunstores. To buy now, before Instant Check.

4. And finally, if, contrary to present law, the BATF seeks to "fill out" their database by picking up the 4473s in currently-operating gunstores, I will do what I can to encourage civil disobedience to such a move. Our ancestors held a Tea Party in Boston, maybe we should hold nationwide "4473 parties".

Law-abiding, liberty-loving citizens have no duty to obey a lawless agency carrying out an unconstitutional law. I sincerely hope the Supreme Court strikes down this part of Brady before some innocent person gets shot, or the BATF starts a civil war.

That is my comment on your proposed regulations.

-- Mike Vanderboegh
P.O. Box 926
Pinson, AL 35126

In a message dated 98-05-16 06:59:49 EDT, you write:

Subj: piml] BATF Comment on "Instant Check"]
Date: 98-05-16 06:59:49 EDT
From: cdhart@laurie.net (Carolyn Hart)
To: piml@mars.galstar.com

Chris W. Stark wrote:

**** JPFO e-mail Alert!****

Jews For The Preservation of Firearms Ownership, Inc.
Aaron Zelman - Executive Director
2874 So. Wentworth Ave.
Milwaukee, WI 53207
Ph. (414) 769-0760 Fax (414) 483-8435
<http://www.JPFO.org>
Against-Genocide@JPFO.org
05/15/98

Please post this far and wide, being carefull to keep this entire e-mail intact.

We encourage every JPFO activist to write a letter to the BATF with a format as the one written below, yet, using your own words. Please do not simply copy it word for word, and send it to the BATF. As much as possible, let it be in your own words. You must act quickly. The comment period is only until May 20, 1998.

Chief, Regulations Division
Bureau of Alcohol, Tobacco, and Firearms
P.O. Box 50221
Washington, D.C. 20091-0221

Re: Comment on Notice No. 857 (proposed regulations to implement the "instant check" provisions of the "Brady Act").

Dear Sir or Madam:

Our organization strongly opposes the highly-intrusive regulations which BATF is proposing to implement the "Brady Act." It astounds us that an executive department of government, sworn to uphold the Constitution of the United States, should be so eagerly advancing the cause of nationally registering peaceful American firearms owners.

We realize that BATF officially will deny that the proposed regulations will implement a national registry of firearms owners as part of the national "instant check" system. The proposed regulations, however, will seek social security numbers and detailed personal information from registrants. We also know that the Justice Department, which will process the "instant checks," is not prevented from maintaining a national registry. And we know that all of the "instant check" data will reside in federal computer databases.

With national "instant check" comes national records, and that means a de facto national registry. Promises by a federal agency to protect privacy, or to never misuse information about firearms owners, are fairly worthless after the Waco massacre and the Ruby Ridge incident. In both of those cases, innocent people were killed by federal agents who were supposedly enforcing federal "gun control" laws. Those federal agents operated with federal information gathered through federal channels.

With these proposed regulations, however, BATF does not even promise any privacy for the firearms registration records. Instead, BATF proposes to leave privacy protection and data security regulations for the Department of Justice to devise.

It is an undisputed fact that the overwhelming majority of firearms owners are not violent criminals or firearms abusers. The proposed de facto national registration plan therefore is largely irrelevant to crime detection or prevention. The plan must have some other purpose.

The effects of the national "instant check" system are:

- (1) to register nationally as many firearms owners as possible without their knowing assent,
- (2) to accustom Americans to federal government intrusion into their minute daily affairs,
- (3) to stigmatize firearms as dangers to society requiring federal control,
- (4) to stigmatize firearms owners as criminal suspects needing federal monitoring and control,
- (5) to serve as an intermediate step toward total federal control of firearms ownership, and
- (6) to pave the way for future firearms confiscation and/or future persecution of firearms owners.

The national "instant check" regulations proposed by the BATF eerily follow the path of Nazi Germany. In his scholarly account of how the Nazi German government accomplished the Holocaust, Richard Lawrence Miller identified the five step process of genocide:

- (1) identification of targeted persons as public menaces (and registering them),
- (2) ostracism of the targeted persons,
- (3) confiscation of the property of the targeted persons,
- (4) geographical concentration of the targeted persons, and
- (5) annihilation of the targeted persons. See Miller, *Nazi Justiz: Law of the Holocaust* (1995), p. 3.

Viewed under Miller's analysis, the BATF regulations effectively produce the results of at least three of these steps:

(1) The "instant check" system identifies firearms owners as a public menace (else they would not need to be tracked by federal law enforcement), and records the federal identification number, personal description and whereabouts of each owner. The Nazis employed comparable methods to identify and track Jews. (Nazi Justiz, pp. 24, 74, 192 n. 328.)

(2) The "instant check" stigmatizes firearms owners as a dangerous class of person, legally different from other citizens. The implicit message is that firearms owners, as persons who require national tracking, should be viewed with suspicion. Nazi government propaganda and rule-making against Jews, long before the concentration camp period, caused "Aryan" Germans to disassociate themselves from anything "Jewish," which resulted in ostracism of Jews from German society. (Nazi Justiz, pp. 43, 54-55, 69, 71-72.) The anti-firearms prejudice of federal registration laws likewise causes psychological and peer-group pressure which subtly threatens current and prospective firearms owners with ostracism.

(3) Registration of firearms and their owners in New York City made it possible to later confiscate those weapons. (See James Bovard, *Lost Rights: The Destruction of American Liberty* (1994), pp. 216-224.) The Nazis were able to easily confiscate the property of Jews because a law required Jews to register their personal property with the government. (Nazi Justiz, pp. 100-104.) The "instant check" database likewise will make it possible for federal agents to confiscate firearms.

Nothing in the text of the Constitution or the Bill of Rights empowers Congress or BATF to regulate firearms. The Second Amendment by its own language prohibits the federal government from infringing on the people's right to keep and bear arms. (See, e.g., U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary (1982), p. 12). Accordingly, BATF should carry out its Constitutional duty to refrain from implementing any federal "gun control" laws.

But even if BATF does promulgate regulations under the "Brady" law, BATF should do so in a way that maximally protects the rights of private citizens. The proposed regulations run the opposite direction; they seem to be as intrusive as possible, maximizing federal power as much as possible, setting up springboards for further expansion of federal power. It is no wonder that BATF is viewed with so much hostility and suspicion by so many peaceful American citizens.

Our organization stands resolutely against the implementation of broader regulations under the "Brady" law. We urge BATF to distance itself from its tyrannical precursors in history, and to maximize freedom, protect the people's right to keep and bear arms, and restrain the growth of federal power.

Very truly yours,

Aaron Zelman

To become a JPFO member, go to: <http://www.jpfo.org/member.htm> There you will see a printable member application, along with info on membership. If you wish, you can become a member using our on-line application as well. Membership IS open to ALL Law abiding citizens.

Jews for the Preservation of Firearms Ownership (JPFO)
Chris W. Stark - Director of Electronic Communications
2874 So. Wentworth Ave.

Milwaukee, WI 53207
Ph. (414) 769-0760
Fax (414) 483-8435
Against-Genocide@JPFO.org

Visit our Web Page at: <http://www.JPFO.org>

MEMBERSHIP IS OPEN TO ALL LAW ABIDING CITIZENS.

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USA



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